

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

HAROLD SHAWGNESSY SIMS

PLAINTIFF

V. CASE NO. 4:18-CV-876-DPM-BD

**STACY DICKERSON and
SELEONEZ**

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedures for Filing Objections:

This Recommended Disposition (“Recommendation”) has been sent to Judge D.P. Marshall Jr. Mr. Sims is free to file written objections to this Recommendation if he disagrees with its conclusion. Objections should be specific and should include the factual or legal basis for the objection.

To be considered, objections must be received by the Court Clerk within 14 days of this Recommendation. If no objections are filed, Judge Marshall can adopt this Recommendation without independently reviewing the record. If Mr. Sims does not file objections to the Recommendation, he may waive the right to appeal questions of fact.

II. Discussion:

On November 23, 2018, Harold Shawgnessy Sims, who is currently held at the Craighead County Detention Facility (“CCDF”), filed this case without the help of a lawyer complaining about medical treatment he received at the CCDF. (Docket entry #2) Mr. Sims moved to proceed *in forma pauperis* (“IFP”) (#1) but, because of his litigation history, he is not eligible for IFP status in federal court absent allegations that he is in

imminent danger of serious physical injury.¹ Mr. Sims did not plead facts to indicate that he is in imminent danger, so the Court denied his motion to proceed IFP and ordered him to pay the \$400 filing fee within 30 days of November 28, 2018. (#3)

Mr. Sims filed an objection to the order denying his motion to proceed IFP. (#4) In his objection, however, he did not state any additional facts that would lead the Court to conclude that he faces imminent physical danger.

To date, Mr. Sims has not paid the filing fee, as required in the Court's November 28, 2018 Order; and he is not eligible for IFP status.

III. Conclusion:

The Court recommends that Mr. Sims's claims be DISMISSED, without prejudice, based on his failure to comply with the Court's November 28, 2018 Order requiring him to pay the filing fee.

DATED this 3rd day of January, 2019.


UNITED STATES MAGISTRATE JUDGE

¹ The following dismissals constitute "strikes" against Mr. Sims for purposes of determining eligibility for IFP status: *Sims v. Thayer, et al.* E.D. Ark. Case No. 4:18cv652; *Sims v. Warren, et al.*, E.D. Ark. Case No. 4:18cv656; and *Sims v. Pruitt, et al.*, E.D. Ark. Case No. 4:18cv666. In his objection, Mr. Sims appears concerned about the assessments of strikes in these cases. Because all of these lawsuits were dismissed based on Mr. Sims's failure to state a constitutional claim, he received a "strike" for each of these dismissals.